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TRANSGENDER: HEALTH AND RIGHTS

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ABSTRACT

India has approximately 700,000 transgender persons. Sexuality is an issue that has created social divides. Sexual minorities have been oppressed in our society on the ground of them being deviant. Their existence has been listed as unnatural. Therefore, the issues related to the rights of genders, their health problems and also do not find place in the top agendas of the governments and human rights movements. Trans people worldwide experience substantial health disparities and barriers to appropriate health care services that keep them from achieving the highest possible health status. Among other disparities, Trans people are significantly more likely than the general population to be targeted for violence and harassment, to contract HIV, and to be at risk for mental health concerns such as depression and attempted suicide. Barriers to health care experienced by trans communities include discriminatory treatment by health care providers, a lack of providers who are trained to offer appropriate health care to trans people, and refusal by many national health systems and health insurance programs to cover services for trans people. This article is centered on transgender health and their rights in India and also their present situation in India.

KEYWORDS: Transgender, health problems, human rights.

INTRODUCTION

Transgender people are individuals of any age or sex whose appearance, personal characteristics, or behaviors differ from stereotypes about how men and women are 'supposed' to be. Transgender people have existed in every culture, race, and class since the story of human life has been recorded. The contemporary term 'transgender' arose in the mid-1990s from the grassroots community of gender-different people. In contemporary usage, transgender has become an 'umbrella' term that is used to describe a wide range of identities and experiences, including but not limited to transsexual people; male and female cross-dressers (sometimes referred to as 'transvestites,' 'drag queens' or 'drag kings'); inter-sexed individuals; and men and women, regardless of sexual orientation, whose appearance or characteristics are perceived to be gender atypical. In its broadest sense, transgender encompasses anyone whose identity or behavior falls outside of stereotypical gender norms. That includes people who do not self-identify as transgender, but who are perceived as such by others and thus are subject to the same social oppressions and physical violence as those who actually identify with any of these categories. Other current synonyms for transgender include 'gender variant,' 'gender different,' and 'gender non-conforming.'

In India there are a host of socio – cultural groups of transgender people like hijras/ kinnars, and other transgender identities like – shiv-shaktis, jogtas, jogappas, Aradhis, Sakhi, etc. However, these socio-cultural groups are not the only transgender people, but there may be those who do not belong to any of the groups but are transgender persons individually.

OBJECTIVES

1. To understand the basic problems faced by Transgender People in India.
2. To Understand the Health problem faced by Transgender People in India.
3. To understand the present situation of Transgender in India.

STATISTICS

Indian Census has never recognized third gender i.e. Transgender while collecting census data for years. But in 2011, data of Transgender's were collected with details related to their employment, Literacy and Caste. In India, total population of transgender is around 4.88 Lakh as per 2011 census. The data of Transgender has been cubbed inside "Males" in the primary data released by Census Department. For educational purpose, separate data of Transgender has been curved out from that.

India's transgender population was estimated to be 0.6 million in the 2011 census. But, activists estimated the actual number to be much higher. Most of the community continued to face pressures to their basic livelihood.

Uttar Pradesh	137,465
Andhra Pradesh	43,769
Maharashtra	40,891
Bihar	40,827
West Bengal	30,349
Madhya Pradesh	29,597
Tamil Nadu	22,364
Orissa	20,332
Karnataka	20,266
Rajasthan	16,517
Jharkhand	13463
Gujrat	11544
Assam	11374
Punjab	10243
Haryana	8422
Chhattisgarh	6591
Uttarakhand	4555
National Capital Region of Delhi	4213
Kerala	2051
Himachal Pradesh	1343
Other	3588

Number of transgender people in India by state 2011(Published by Statista Research Department, Sep 23, 2019)

ISSUES FACED BY TRANSGENDER IN INDIA

TRANSGENDER INEQUALITY

Transgender inequality is the unequal protection transgender people experience in society, school and work in general. Eventually, one of the largest reasons that transgenders face inequality is due to an absence of public understanding of transgenders.[2]

Hijras and other Trans Gender (TG) people in India face a variety of issues. So far, Hijra/TG communities have been omitted from effectively participating in social as well as cultural life, politics, economy and decision-making processes. A primary reason and consequence of the exclusion is due to the lack of ambiguity in legal recognition of the gender status of Hijras and other transgenders. It is a key barrier that often prevents them in exercising their civil rights in their desired gender. So far, there is no single comprehensive source on the basis of which an evidencebased advocacy action plan can be

prepared by transgender activists or possible legal solutions can be arrived at by policymakers. Studies exposed how this system might differ for contemporary India due to extended recognition, greater right of entry to information and portrayal in media of transgenders. More studies are needed to understand the process of coming out in diverse populations of transgender Indian communities.

One network based study of eighty people of Tamil Nadu and Kerala transgender teens aged 16 to 20 shows no differences in sexual identity, present day sexual orientation, or comfort with sexual identification among them. Kerala based youngsters had been worried more in associated social activities about revealing their identities. While Tamil transgender were much relaxed about their sexual identity and disclosed their sexual orientation to more people than their Keralite peers. All transgenders interviewed as part of this study in Kerala realised the feminine drive within them in the age between 13 and 17 and between age 10 and 13 in Tamil Nadu. The report sites incidents where children were started feeling their sexuality from an age of 8. These members initiated connecting with females at school, neighbourhood and family. The Praxis report from Tamil Nadu reveals that most assisted their mothers in household activities such as cooking, cutting vegetables, fetching water, sweeping, mopping and washing utensils and clothes.

Common misconceptions of Transgenders A common delusion is that a transgender person is hence a gay. Though, being transgender comprises gender identity and not sexual orientation; a transgender person might be of several sexual orientations. Another significant misconception is that one who cross-dresses is a transgender; but, many cross dressers are happy with their assigned sex. The status of transgenderism as a mental disorder is extensively uncertain. Many transgenders experience gender dysphoria, which is disconnected among one's assigned sex at birth and with which gender the person is identified.[5]

INEQUALITY AT WORK

transgender workers can have a hard time managing with the traditional workplace due to recognized gender norms that limit the roles perceived and expected of them. Among fellow employees, there can arise potential teasing or discrimination affecting the transgender worker on emotional levels. Employers at times withdraw job offers and opportunities because of discrimination towards workers of varying gender individualities.

Transgender women have very few options for employment. The stigma associated with their identity results in large numbers of the community being unable to find suitable employment. Many are unskilled when they leave home and join the Jamaat before completing education. Most often, the only option they have after leaving home is to enter sex work and/or begging. They are engaged in sex work and begging to ensure the guardianship and protection of 'Gurus'. It was reported by respondents that some 'Gurus' are exploitative. They force them to attend to a large number of clients during night and beg during daytime. Sex work makes them vulnerable to HIV/AIDS and other infections. Transgender women in sex work face several other problems such as physical torture, denial of payment. Begging exposes them to rebuke and reprimand 'Why are you begging when you are not handicapped?' Another problem faced by transgender women in search of suitable employment is the discrepancy between their birth certificates and their official documents after transformation.

Though the average income level of the sample is above the poverty line what is important to note is the uncertainty of income because employment in the case of transgenders is high risk in terms of health, stigmatization and discrimination. The expenditure pattern reveals that after food, travel is one of the major heads of expenditure.

VIOLANCE

Transgender women face constant violence; harassment and blackmail are most often from police. They are prone to verbal and physical abuse by policemen. They face problems in registering complaint cases. It is common for policemen to blame victimised transgender women who seek protection. Those involved in sex work have to regularly bribe officials. Rape and forced sex in the lock up is common. Respondents also reported that verbal abuse by policemen was rampant.

The National Coalition of Anti-Violence Programs reported in 2013 that members of racial minority groups who were also recognized as transgenders were more probably to practise harassment and hatred motivated violence.[9] Precisely, transgenders of colour were 1.5 times more possibly to experience threats and bullying and 1.5 times more possibly to practise sexual assault, than white cis-gender individuals. They were also six more times more probable to face police violence. The study that cross analysed reports of sexual assault and violence against transgenders, found that these attacks were supposed to start as early as age 12 and also one study identified that the median age for first rapes of transgender individuals of colour occurred at age 14 and 15.

Most transgender are physically attracted to the opposite sex during teenage. Betrayal, cheating and exploitation by male lovers are common. Most respondents reported that they had undergone exploitation cheating, violence and black mailing in the name of love. Unable to cope with rejection and betrayal, many respondents reported having attempted suicide; others take recourse in alcohol and tobacco. To meet the expenses they attend to more clients and get involved in unsafe sex. Getting new

partners and luring them with money and gifts is a common way of taking revenge. Hard earned money is thus squandered away and many transgenders end up in debt and pay exorbitant rates of interest. Money is also spent on hormone tablets, creams and cosmetics to acquire more feminine looks with which partners and clients are lured.

INEQUALITY IN EDUCATION

Inequality in School Those who identify themselves as transgenders at an early age may have difficulties when their identity struggles with judgment from traditional school protocol, whether private or public.

Transgender women in India are being deprived of education and jobs due to persistent discrimination in spite of progressive laws in the country to prevent such bias. That is according to a leading activist who also said that most of India's assessed two million transgenders are facing prejudice in some form with women particularly abused, reflecting the entrenched patriarchy in the country.[6]

According to Indian Census 2011, there are around 4.9 lakh transgenders in the country. Census data also reveals that this community has low literacy levels, just 46 per cent transgenders are literate, compared to 74 per cent literacy in the general population. This community comes under the category disadvantage group defined by the Right to Education Act (Indian Express 2014). It means these kids will be eligible for 25 per cent reservation under the Economically Weaker Section (EWS) and disadvantaged student's category for admission.[7]

No formal education for transgender is popular in Indian context. They are deprived from family and school environment, transgenders discontinue their education and risk their future career opportunities. A close analysis of various reports and discussion with community and stakeholders suggest that transgenders are most uneducated or undereducated, become reluctant to continue schooling. The average qualification is secondary (Matric) or senior secondary level. The enrolment is significantly low and dropout rate at the primary and secondary level is still very high. They are hardly educated as they are denied by the society and as a result they do not receive proper schoolings. Even if they are enrolled in an educational institute, they are bullied and face harassment every day and are asked to leave the school or they drop out on their own. It is because of that they take up begging and sex work. It is compulsory for the Government to afford inclusive education for transgender students and also to provide adult education to them.[8]

With the aim of education, the country's first university for transgender community will be opened in Uttar Pradesh's Kushinagar district to facilitate its members to study right from class one to PG and even do research and get PhD degree. The university, which will come up in Fazilnagar block of Kushinagar district, is being built by the Akhil Bhartiya Kinnar Siksha Seva Trust (All-India transgender education service trust).

PROBLEMS RELATED TO SOCIETAL ACCEPTANCE

Below are the list of problems faced by the transgenders, which are explained using the social exclusion frame work.

* Transgenders often face denial and aggression right from home.
* The issues range from verbal and physical abuse to isolation and rejection as well as denial of family property.
* Sexuality or gender identity often makes transgender a victim of stigmatization and exclusion by the society.
*Social stigma includes being disempowered due to the labelling and negative/generalised attitude towards such members who are forced to work as sex workers or sex solicitors.
* Moreover, in cases of inheritance of property or adoption of a child, they are a neglected group.
* Most members are driven to begging and pushed furthermore towards the margins. This is by all means human trafficking.
* Some members even engage themselves as sex workers for survival.
* It is necessary that transgender groups be accepted in the society. For example, there is no space vacant for members of the community, say in hospital wards. The authorities do not admit them in women's ward because women do not feel comfortable or free in their presence.
* Transgenders face sexual abuse in men's ward. In addition to the trauma of being abused, there are no separate toilet facilities for transgender.

HOMELESSNESS

Transgenders disproportionately represented the various homeless populations.

FINANCIAL INSECURITY

Most transgender students are school dropouts. After voluntary or involuntary exposé of sexuality, gays and bisexuals face a lot of discrimination and stigma in schools. The condemnation and alienation from peers drive most members of the transgender community out of school. Lack of adequate education and lack of employment opportunities result in the members being forced into begging and sex work. While some transgenders manage to sustain their jobs in spite of stigma and discrimination in workplace, most of them resign their jobs finding the situation unbearable.

POOR HEALTH CONDITIONS

A variety of transgender factors such as nonexistence of employment opportunities, dearth of adequate education and lack of familial support put the maleborn sexual minorities at the risk of being infected by HIV. Similarly,

sexual and reproductive health requirements are often not efficiently addressed.

The lack of proper research is felt in the field of transgender health. Addressing the health issues of transgenders seeks immediate attention to the implementation of a medical curriculum that successfully incorporates transgender health care, and inadequate funding opportunities for transgenders health research. Anti-trans attitudes of health care systems can be corrected from within the health care profession through education, community advocacy for transgender rights, and the passage of trans inclusive anti-discrimination laws.

DEPRESSION AND SUICIDALITY

Transgender kids who document same-sex romantic attraction are at higher risk for suicidal attempts, depressive signs when compared with their heterosexual counterparts. With few exceptions, the multiplied charge of suicidality amongst transgender children in assessment with heterosexual adolescents is constant across age groups (i.e., middle school, high college and younger person populations), gender (i.e., male, woman and transgender), race/ethnicity and differing definitions of sexual orientation.

Despair, substance use, early sexual initiation, not feeling safe at schools, smoking and insufficient social support were identified as major reasons. Those elements may also partly mediate the accelerated risk of suicidality for transgender young people, despite the fact that consequences of research in this association are mixed.

PHYSICAL HEALTHCARE STATUS

The transgender adults have all the identical health concerns as the general population, there are some areas of physical wellbeing which might be identified to be detailed for sexual and gender minorities.

HIV/AIDS AND SEXUALLY TRANSMITTED INFECTIONS

Transgenders are one of the groups most affected by the HIV epidemic. The global picture of HIV among transgenders people is varied with HIV prevalence ranging from 8 per cent to 68 per cent. Transgenders are among the groups most affected by HIV, particularly in Latin America, Asia and the Pacific. Generally, HIV prevalence among transgender women is higher than transgender men. However, little is known about transgender men and their exposure to HIV. Globally, it is estimated that around 19 per cent of transgender women are living with HIV. They are 49 times more likely to be living with HIV than the general population. Numerous threats for HIV transmission among homosexual and bisexual have been recognized, including lack of advantage of HIV sero-status, non-supportive peer norms, confident beliefs about HIV cure, bigger numbers of male sexual partners, unprotected intercourse with HIV-positive partners, and amphetamine or heavy alcohol or drug use before sex 53. Whilst use of the web to obtain partners has been increasing among men who've sex with, the evidence appears to be inconclusive as to if internet use encourages or discourages sexual conduct.

HIV STIGMA AND DISCRIMINATION

Case studies and focus group discussions in Tamil Nadu revealed discrimination within the transgender community due to HIV positive status. Real or perceived HIV positive status was also a reason for societal stigmatization and discrimination. Respondents reported facing discrimination from health service providers too due to HIV status.

It is reported from hospitals that doctors and nurses never come near transgenders, they maintain distance. It makes the patients to act friendly with them and explain to them that they are to be treated as human beings. When they stand in female's queue the staffs try to avoid them. The staffs also tease them and at times mock them and talk about them among staffs. It was also reported from hospitals that attendants and doctors are trying to avoid giving transgenders treatment. They had to face verbal abuse and arguing with the doctor. Misleading the patient and not giving medicines for the patient, prescribing wrong diagnosis and physically checking for wrong reasons.

CONSTITUTIONAL & LEGAL ENDEAVOUR FOR PROTECTION OF TRANSGENDER RIGHTS

CONSTITUTIONAL PROVISION PROTECTING TRANSGENDER RIGHTS

Constitutional rights of transgender people: Preamble to the constitution mandates justice social, economic and political equality of status.

1. Thus the first foremost right that they are deserving of is the right to equality under Article 14.
2. Article 15 speaks about the prohibition of discrimination on the ground of religion, race, caste, sex, or place of birth.
3. Article 23prohibits trafficking in human beings as beggars andother similar focus of forced labor and any contravention of these provisions shall be an offence punishable in accordance with law.
4. Legal recognition for third gender: The court ruled that fundamental rights are available to the third gender in the same manner as they are to males and females. Furthernow recognition of third gender in both criminal and civil status, such as those relating to marriage adoption, divorce, get it discriminated to the third gender.
5. Legal recognition for people transitioning within male/female binary: The court merely states that they prefer to follow the psyche of the person and use the ―psychological test‖ as opposed to ―biological test‖. They also declare that insisting on sex Reassignment Surgery (SRS) as a condition for changing one's gender is illegal.

6. Public health and sanitation: Centre and state Governments have been directed to take proper measures to provide medical care to Transgender people in the hospitals and also provide those separate public toilets and other facilities. Further, they have been directed to operate HIV/Sero-surveillance measures for Transgender.
7. Socio-economic rights: Centre and state Govt. have been asked to provide the community various social welfare schemes and to treat the community as socially and economically backward classes. They have also asked to extend reservation in educational institutions and for public appointments.
8. Stigma and public Awareness: Both the Govts. Are asked to take steps to create public awareness so that Transgender people will feel that they are also part and parcel of the social life and not be treated as untouchables; take measures to regain their respect and place in society.
9. Challenging 377: The judgment contradicts the findings of the Supreme Court in Suresh Kumar Koushal in various ways. Under section 377, it has been noted that though associated with specific sexual acts, highlighted certain identities, including Hijras. It also recognizes that sec 377 has been used as an instrument of harassment and physical abuse against Hijras and transgender persons.

Legislative Endeavour

The Right of Transgender Person's Bill, 2014

The Bill was introduced in the Rajya Sabha on 12th December and was further passed on 24 April 2015, unanimously, with a cross-party support. The Bill was in the nature of a private member's bill introduced by the MP from Tamil Nadu. Tiruchi Siva and therefore, became the first Private Member Bill passed Rajya Sabha in 45 years.

Education, employment and social security and health are also covered under the Bill. The chapter on education makes in mandatory for the Government to provide inclusive education for transgender students and provide adult education to them.

With the employment chapter, there are two separate clauses dealing with formulation of schemes for vocational training and self-employment of transgender persons by the Government. There's a separate clause for non-discrimination against transgender person in any establishment – public or private. The Bill envisages setting up a number of authorities work will be mostly in the nature of inquiry or recommendations in the inconsistencies in the application of the law or violations of right of transgender person. The Commissions can issue summons to witnesses, receive evidence, etc. There is penalty by way of imprisonment for upto a year for hate speech against transgender people.

April 24, 2015: Rajya Sabha passes the Rights of Transgender Persons Bill, a private member's bill. Bill defines being transgender as a psychological phenomenon and provides reservations for transgender people.

The Transgender Persons (Protection of Rights) Bill, 2016

The Transgender Persons (Protection of Rights) Bill, 2016 was introduced in Lok Sabha on August 2, 2016 by the Minister for Social Justice and Empowerment, Mr. Thaawarchan Gehlot.

Prohibition against discrimination: The Bill prohibits the discrimination against a transgender person; including denial of service or unfair treatment in relation to: (i) education; (ii) employment; (iii) healthcare; (iv) access to, or enjoyment of goods, facilities, opportunities available to the public; (v) right to movement; (vi) right to reside, rent, own or otherwise occupy property; (vii) opportunity to hold public or private office; and (viii) access to a government or private establishment in whose care or custody a transgender person is.

Right of residence: Every transgender person shall have a right to reside and be included in his household. If the immediate family is unable to car for the transgender person, the person may be placed in a rehabilitation centre, on the orders of a competent court.

Employment: No government or private entity can discriminate against a transgender person in employment matters, including recruitment, promotion, etc. If the entity has more than 100 persons, it is required to designate a person to be a complaint office to deal with complaints in relation to the Act.

Education: Educational institutions funded for recognised by the government shall provide inclusive education, sports and recreationa facilities for transgender persons, without discrimination.

Healthcare: The government shall take steps to provide health facilities to transgender persons including separate HIV surveillance centres, sex reassignment surgeries, etc. The government shall review medical curriculum to address health issues of transgender persons, and provide comprehensive medical insurance schemes for them.

Certificate of identity for a transgender person: A transgender person may make an application to the District Magistrate for a certificate of identity, indicating the gender as 'transgender'. The District Magistrate will issue such certificate based on the recommendations of a District Screening Committee. The Committee will comprise: (i) the Chief Medical Officer; (ii) District Social Welfare Officer; (iii) a psychologist or psychiatrist; (iv) a representative of the transgender community; and (v) an officer of the relevant government.

Welfare measures by the government: The Bill states that the relevant government will take measures to ensure the full inclusion and participation of transgender persons in society. It must also take steps for self-employment, create schemes that are transgender sensitive, and promote their participation in cultural activities.

Offence and Penalties: The Bill recognizes the following offence: (i) begging, forced or bonded labour (excluding compulsory government service for public purposes); (ii) denial of use of a public place; (iii) denial of residence in household, village, etc.; (iv) physical, sexual, verbal, emotional and economic abuse.

These offences will attract imprisonment between six months and two years and a fine.

National Council for transgender persons (NCT): The NCT will consist of: (i) Union Minister for Social Justice (Chairperson); (ii) Minister of State for Social Justice (Vice-Chairperson); (iii) Secretary of the Ministry of Social Justice; (iv) one representative from ministries including Health, Home Affairs, Minority Affairs, Housing and Poverty Alleviation, Human Resources Development, etc. Other members include representatives of the NITI Aayog, National Human Rights Commission, and National Commission for Women. State governments will also be represented. The Council will also consists of five members from the transgender community and five experts from non-governmental organisations.

The Council will advice the central government on the formulation and monitoring of policies, legislation and projects with respect to transgender persons.

July 22, 2017: The standing committee on social justice and empowerment issues a report on the government bill.

PRESENT SITUATION AND RECOMMENDATIONS

The supreme court of India had recognized transgender as the third gender and had also considered to give them the benefits available to OBCs. After the case of national legal services authority v. union of India. Transgender will enjoy basic human rights, including protection from violence and discrimination. They will have the right to dignity and self determination. Before 2014, transgender had tethered access to education, health and health services, public spaces, livelihood opportunities, obtaining passport, driving license, ration card etc, while applying for bank account they had to tick male or female as there was no option for third gender. As per the census 2011, there are about half a million transgender people residing in India. The condition of the third gender across the world varies as different parts of the world practice different norms and traditions. The present scenario of the lives of the people of this community is unacceptable and in some cases pitiable but again there are a few countries that are moving towards providing them with equal status and recognition in the society for proper and dignified survival. Lesbian, gay, bisexual and transgender (LGBT) people have made great strides in the fight for full equality. Sadly, lesbian, bisexual and transgender women face disproportionate levels of violence at the hands of the both strangers and intimate partners. A recent U.N human rights reports noted that LGBT people are at a disturbingly elevated risk of homicidal violence, highlighting the increased risk that lesbian, bisexual and transgender women face because of gender based discrimination.

The Supreme Court said the states must construct special public toilets and departments to look into their special medical issues.

In March 2009, Tamil Nadu government set up a telephone helpline called Manasu for transgenders, an initiative which was in charge for the formation of India's first helpline for the Lesbian, Gay, Bisexual, Transgenders, Queer, Intersex and Asexual (LGBTQIA) community in 2011 at Madurai.

The Chhattisgarh government is also making efforts to authorize the transgender community by enlisting an action plan for the welfare of around 3000 eunuchs in the state.

Tripura government in July announced an allowance of Rupees 500 per month to the transgenders in the state to ensure their financial independence.

Kerala is the only Indian state that has put in place policies to erase the discrimination faced by transgenders. It not only promotes inclusive education also offers them free Sex Reassignment Surgeries (SRS) at Government hospitals.

NEED FOR A PROGRESSIVE ENVIRONMENT

Some of the key issues which are to be instructed and solved are access to essential services, health, education and resources. These issues can be well addressed by applying some progressive measures such as:

- Sensitize the society with regard to transgenders identity
- Support of civil society organizations to advocate for their cause and begin efforts that support claims for land or shelter, hospital wards, creation of separate public toilets, recognition of their right to vote as citizens, reservation of seats in elections, etc.
- Support of Media both electronic and print, to highlight their status and trouble rather than portraying them in poor light.
- Extension of financial support for Community Based Organizations by transgender communities.
- Refraining from using verbal abuses against the transgender community in Cinemas and Television Serials.

Policies and procedures within the health care settings: Explicit trans-friendly registration and admission policies / Non-discrimination policy (to prevent discrimination on the basis of sexual orientation or gender identity) / Minimizing navigation difficulties and Improving coordination among services.

Steps to decrease stigma and discrimination faced by trans people from the general public and health-care providers / to increase understanding about trans people / to sensitize HCPs to their professional obligation and ethical mandate to provide non judgmental care.

Need for a national guidance document on providing sensitive and competent services for trans people – to improve their access to and use of HIV/STI services in public hospitals.

HIV prevention for transgenders Transgenders can have assorted HIV prevention requirements. Targeted prevention approaches to the specific desires of individuals are vital to reduce HIV infections.

Availability and benefits Health care facilities had to provide complete care to transgender teens. Case control, counselling and aiding interactions shall be provided. Even if centres exist that specialize in presenting care to transgender patients, not all transgender adolescents have get entry to those facilities due to the availability and lack of awareness.

Antidiscrimination legislation Antidiscrimination laws defending transgenders or gender non-conforming persons have been legislated in many cities and states. If a non-discrimination policy is not in place, one should be developed and reviewed during job interviews, new staff orientation, and on-going training.

Health insurance related issues The Life Insurance Corporation of India (LIC), which controls close to 70 per cent of the life insurance market, has introduced the third gender as an option in its forms in line with Supreme Court 2014 verdict recognizing it. Policy buyers till now could choose among male and female as gender options. Now transgender applications can select for the third gender category. The move is important given LIC's market supremacy that drives drifts in the sector. Though the National System also recognises the third gender, other insurance companies and mutual funds do not seek this information. The Know-Your-Customer (KYC) process, a precondition for opening bank accounts or making investments, also does not accommodate the third gender as a preference. Incidentally, the option was comprised in Indian passports in year 2000, more than 16 years ago.

Steps taken by state governments

The states of Karnataka and Tamil Nadu over the past few years have implemented the most progressive policies for transgender and gender variable people in India. These states serve as promising examples of what can be realized in the rest of India- cooling on line of these state other states have also taken appreciable step to ensure weapon of transgender people.

Karnataka

Legal classification as backward community: The govt. is now grappling with the question of what system to set in place to help identify. Communities marginalized on the basis of their gender identity. The C.S. Dwarkanath Backward classes commission Report 2010, recommended that the transgender community be included in the category of male backward community (2-B) that could entitled them to govt. benefit.

The commission held that based on evidences, witnesses and spot inspection and detailed analysis, that they are more backward and hence under Section 19(1) of the Karnataka state backward classes commission rules 1995, the commission recommended to the govt. of Karnataka to include the sexual minorities called Hijra, Kothis and other transgender peoples.

Economic Justice: The Karnataka government passed orders that provide for socio-economic benefits for these people. The Karnataka High Court appointed C. Anu a transgender present to administrative job in group D category.

Identification: Acknowledging the problem of identity document, the Karnataka govt. in its Budget 2012-13 instituted the initiative entitled "*Lingthwara Alpsankhyathara Yojna* (Gender minority programme) proposing to implement training, loans and subsidies through NGOs conducing in Area.

Civil Society: Bangalore university has announced reservation for transgender person in its Post Graduates courses. NIMHANS in collaboration with NGOs, is establishing mechanism to identify transgender people who well be eligible for medical entitlement under Karnataka govt.

Andhra Pradesh

On November 2017, N Chandrababu Naidu, the CM of Andhra Pradesh, announced the enactment of pension plans for transgender people. On December 16, 2017, the Policy, the state government will provide an amount of Rs. 1000 per month to each transgender person upto the age of 18 yrs for social security pension. In addition, the government will construct special toilets at public places like malls and Cinema hall for transgender people.

In April 2017 Ministry of drinking waters and sanitation instructed states to allow transgender people to use the public toilet of their choice.

Odisa

In July 2016, the state of Odisa announced to give transgender people social welfare benefits such as

pension, housing and food grains. This move to give the transgender community the same benefit as those living below the poverty line was aimed to improve overall social and economic status.

Members of transgender will be given BPL cards that will allow them to access benefits under various welfare schemes like –

- Free housing
- 100 days of paid work annually
- Pensions and loans to start up their own business
- 5 kg food grain every month under national food security act.

Tamil Nadu

The Tamil Nadu state in India was the first state to introduce a transgender welfare policy. According to this policy transgender people can access free sex reassignment surgery in govt. hospital; free housing programme; various citizenship documents; admission in govt. Colleges with full scholarship for higher studies.[1]

In a pioneering effort to solve the problem faced by transgender people, the govt. of Tamil Nadu established transgender welfare board in 2008. This effort is toilet to be the first in India and even in the word.

The govt. has also started issuing separate food ration card for transgender people.

The govt. has also conducted census on transgender population in order to issue Id cards.

The Manonmaniam Sundaranar University in Tirunelveli has announced that all institution under its fold would provide free education to member of the transgender community from 2017.

The Supreme Court has also quoted Tamil Nadu state initiative to protect transgender right in its Landmark Judgment in NALSA vs. UOI & others.

Kerala

Kerala has been at the forefront of transgender right movements in India and was one of the first to introduce welfare policy for the group in 2015. In 2016, the govt. followed up with introduction of free sex reassignment surgery in govt. hospital.

In 2016, President Pranab Mukharjee also opened a Gender Park in Kozhikode aimed at researching for policy with regard to the LGBT community and its empowerment. In 2016, the first transgender school opened in the city of Kochi, Kerala. The school prepares students for the 10th and 12th board exam as well as provide vocational training.

In 2017, a workshop was held at Kozhikode a city in Kerala to address the implementation of the state transgender policy within social institution. Workshop organised by social justice department and discussed.[1]:

1. Proposal such as having Id card for transgender
2. Developing pension plans for those within the community who are over 60 yrs.
3. Implementation of social development training programs.
4. Having scholarship and educational loan for transgender students.
5. To train transgender as driver and to be employed in Uber Taxi.

The Kochi metro is first govt. agency in country to employee transgender people, 23 well be an duty in augural day.

In conclusion we may say that constitution has fulfilled its duty by guarantying fundament right to all citizens. It is our duty to interpret it such as to ensure it to them. After going through this chapter we find that only half-hearted effort has been made on the part of central government. Even after four years of NALSA judgment no specific laws to protect transgender right have been enacted. Some states like Tamil Nadu, Kerala has done good job in protecting transgender right.

CONCLUSION

From the above discussion it is to be concluded that now its time for Indian authorities to implement the Supreme Court directives and bring the transgender to the main stream community. The authorities should also work towards ending the discrimination against the transgender and take care of their protection and social needs. There is also a need to spread larger awareness campaign in public for the acceptability of the Transgender community. They should be welcomed with open arms in educational institutions, health care systems, work place both public and private, should be treated equally under the law and by the police. They should be provided proper medical facilities which include health insurance and subsidized treatment. For the general public it is important to understand the feelings and mental status of the Transgender community. People need tounderstand that humans are diverse but after all every one is a Human being. Transgender community has a right to behave and live they are and express their feelings without any fear. The society needs to take off their social stigma towards transgender community and give them a chance to stand equally and participate in together in the community development process.

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